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To: Microsoft ATR
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I could not resist making a comment here. I have been in the computer industry since 1979 and have watched with horror and amazement and amusement as Microsoft has consumed or trampled on one company or idea after another. They have become the company they are today through years of abusive practices that have left consumers with a product (in Windows) that is in some ways the sum of many good products and ideas that were either bought or stolen from other companies, and at the same time far less of a product that they would have today had Microsoft had to compete and innovate through these years. A simple and glaring example of the lack of quality consumers have been forced to accept as status quo is the fragility of all Microsoft's operating systems through Windows 98, which they themselves now admit in touting the new XP version. That this unreliability is apparent in only Microsoft's product line and not inherent to computers in general can plainly be seen in the fact that Unix and Linux operating systems running on the same computer hardware are hundreds of times more stable.

One of the earliest examples of Microsoft's boldness in intellectual property theft was with the case of Stack Electronics. I have often wondered, as this lengthy trial progressed, why nobody seems to remember how blatantly Microsoft stole that company's only product and simultaneously "added a new feature" to MSDOS version 6 that made that version a must-have upgrade from version 5. Had they not "acquired" that feature, version 6 upgrades would have had lackluster sales and history would have been much different. At that time, Unix was still a big player in the market, as was DR-DOS (remember how THAT disappeared? -- another story altogether) and other true competitors.

If you do not recall, Stack electronics had a wildly popular program that created more space on hard drives by compressing the data stored on it. About half a year prior to Microsoft's release of MSDOS version 6, they pre-announced that it would have a disk compression feature built in. This set the stage for the death of Stack electronics because their sales immediately dried up. When Microsoft finally began shipping version 6, it literally included Stack Electronic's product unchanged! Stack sued Microsoft and won, but the settlement vastly understated the amount of revenue the company had lost considering the huge number of copies of their software that was now distributed with every single copy of DOS sold. This was, in part, because their recent sales were seen as miniscule (though the reason was obvious - that the pre-announcement had killed the company months earlier). Then, Microsoft had the audacity to counter-sue Stack over the fact that the compression software had tied itself into MSDOS through some undocumented software features (very similarly to the way current software vendors need certain information about Windows "API" in order to make their product work seamlessly). Amazingly Microsoft won this suit, resulting not only in their ownership of the product they had stolen, but also ownership of 15% of Stack

Electronics itself!

History has repeated itself, over and over, in front of anyone who has been watching. In my opinion, no settlement that is based on legal language and the responsibility of continued enforcement could possibly succeed. Aside from the diligence and technical expertise required, the fact that such offenses take so long to pursue and resolve means that, as in the past, the damage is done and Microsoft has succeeded in its goal far in excess of what any reasonable penalty could undo.

I do not think that splitting the company is necessarily the solution. However, I do think that one thing which should be done is to require them to publicize the API's to Windows so that a third-party software vendor can create a product that is integrated into Windows as cleanly as a Microsoft product. Failing to do that would be like allowing an auto manufacturer to create a car that requires a new and undisclosed fuel which can only be purchased from the manufacturer. It could be called "innovative", but it prevents the consumer any choice in purchasing and it prevents competition for fuel suppliers.

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